



FREDERICK COUNTY PLANNING COMMISSION

November 14, 2012

TITLE:

Global Mission Church

FILE NUMBER:

SP 92-37 AP 8995

REQUEST:**Site Plan/APFO Approval**

The Applicant is requesting site plan and APFO approval for construction of a 118,530 square foot Place of Worship, on a 78.72-acre site

PROJECT INFORMATION:

ADDRESS/LOCATION: 25700 Old Hundred Road
1) North of MD 109 (access located in Montgomery County);
2) West side of I-270 (at the Frederick Co. southern border)

TAX MAP/PARCEL: Tax Map 105, Parcel 109
COMP. PLAN: Agriculture
ZONING: Agriculture
PLANNING REGION: Urbana
WATER/SEWER: No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT: Global Mission Church of Greater Washington, SBC
OWNER: Global Mission Church of Greater Washington, SBC
ENGINEER: Design Engineering Incorporated
ARCHITECT: Lemay, Erickson, Willcox Architects
ATTORNEY: David Severn, Esq.

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1- Global Mission Church Letter of Understanding (LOU)

STAFF REPORT

ISSUE

Development Request

The proposed use is being reviewed through the *Places of Worship* land use under the **Institutional** heading in § 1-19-5.310 of the Zoning Ordinance. Places of Worship are a principal permitted use subject to site development plan approval in the Agricultural zoning district.

The Applicant proposes construction of an 118,530 square foot (sq. ft.) church building with parking fields to the southwest, east and northeast of the building (See Graphic #1). The church building has been shown in three construction phases. The construction phases are shown only for the purpose of facilitating review of construction issues associated with building permit review, and are not a part of any request for the Frederick County Planning Commission (FcPc) to approve this Site Plan in phases.

Graphic #1: Site Plan Rendering



Global Mission Church

November 14, 2012

Page 2 of 12

BACKGROUND

Development History

The Applicant submitted this site plan application in December 2008,¹ requesting approval for a 138,027 sq. ft. church and associated parking fields located within Frederick County. There is no daycare or parochial school associated with this request. Several Technical Advisory Committee (TAC) Meetings were held to discuss issues including stormwater management and well and septic capacity associated with this Site Plan application. The subject property is located within Frederick County but will access MD 109 (Old One Hundred Road a State roadway located in Montgomery County) via an adjacent parcel located within Montgomery County (See Graphic #2).

On October 14, 2009 the FCPC denied the previously submitted site plan based on two factors: 1) the Health Department's failure to certify the adequacy of the proposed septic facilities and 2) the lack of a secondary emergency access. The Applicant challenged the denial to the Frederick County Board of Appeals. In its decision dated March 25, 2010, the Board of Appeals (BOA) vacated the FCPC denial of the site plan, and remanded the site plan application to the Planning Commission for further proceedings and review. Before the remand occurred, the Frederick County Board of County Commissioners sought judicial review of the BOA's decision by the Circuit Court of Frederick County. The Circuit Court affirmed the BOA's decision and its remand of the site plan application to the FCPC.

The BOA decision concluded that the Applicant should have been afforded the opportunity to meet with the Health Department to discuss the septic requirements for the project, and if necessary to revise its site plan in order to obtain the Health Department's approval of a mutually acceptable septic plan. The BOA also concluded that the Applicant should have been afforded the opportunity to provide engineering plans and documentation for a secondary emergency access to the Office of Life Safety.

In July 2012, after meeting with representatives of the Health Department and the County, the Applicant submitted a revised site plan for FCPC review.

The current site plan contains the following revisions;

1. The building size was reduced from 138,027 square feet to 118,530 square feet.
2. The number of seats in the sanctuary was reduced from 1,160 seats to 800.
3. The number of seats in the dining hall was reduced from 500 to 320 seats.
 - a. Those changes resulted in eliminating the need for plastic utensils in the dining hall.
4. A secondary emergency access to Dr. Perry Road meeting the requirements of the Frederick County Office of Life Safety was added.

Existing Site Characteristics

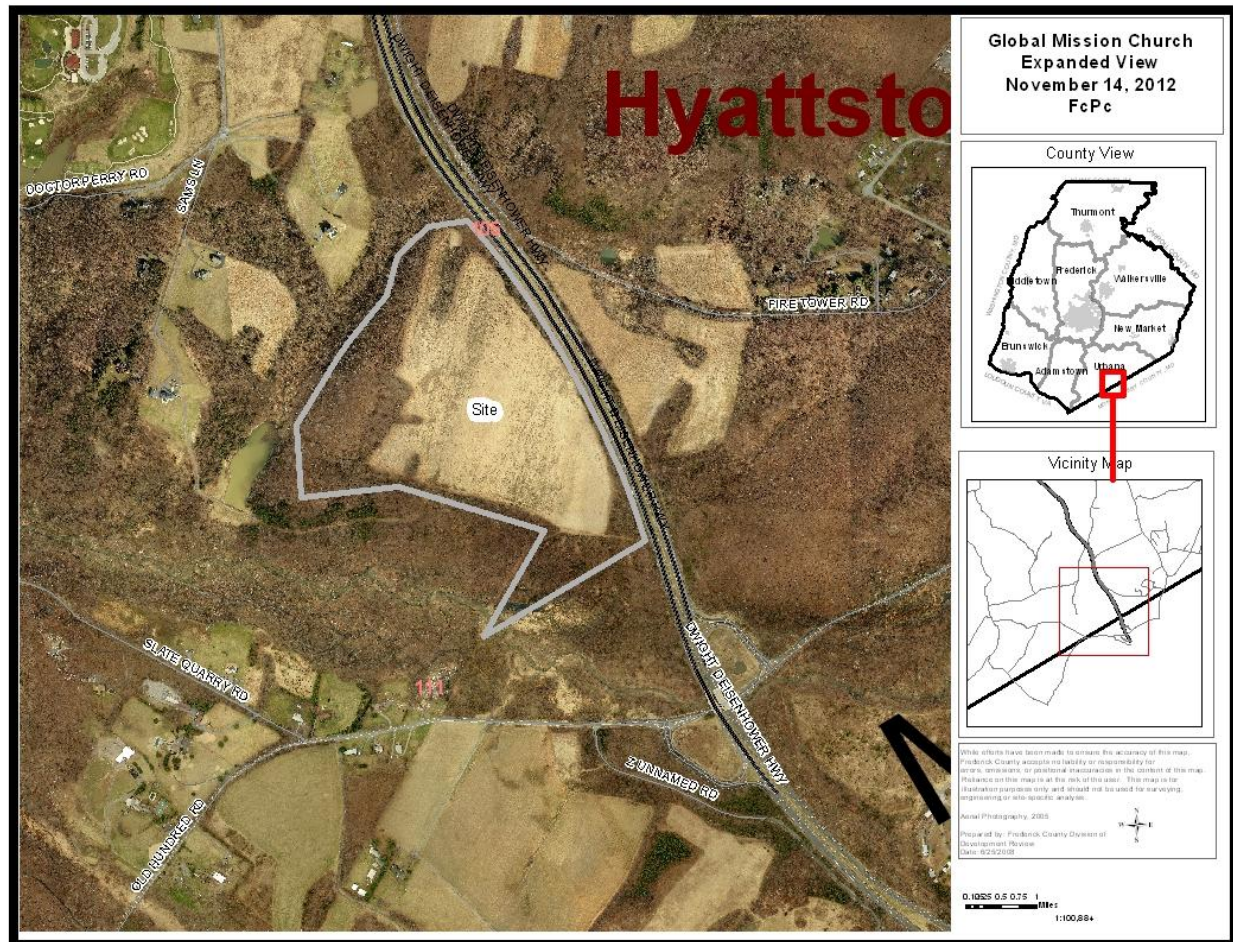
The site is currently zoned Agricultural (See Graphic #3), and is vacant with existing forested areas, meadows, and floodplains located at the southern portion of the site bordering Montgomery County. The property to the west of the site is developed with the Section One of Fire Tower Hill subdivision. I-270 is the eastern property boundary, with Old Hundred Road (located in Montgomery County) to the south.

¹ In accordance with the Board of Appeals' March 2010 decision, and with the transitional provisions of the Zoning Ordinance, this site plan is being reviewed in accordance with the Zoning Ordinance provisions in effect as of December 2008.

This site is located outside of the FEMA floodplain with the exception of a small portion along Little Bennett Creek. The site contains two fingers of wet soils that are not impacted by the proposed development of this site.

The Applicant has processed concurrent road access, forest, lighting and signage reviews with the Montgomery County review authorities for the portion of the development in Montgomery County.

Graphic #2 Site Aerial



the church is situated—thus providing ample room for the additional 7.4' setback distance. In addition to the height, the Applicant's site plan conforms to all dimensional and bulk standard requirements listed in §1-19-6.100.

Signage §1-19-6.300: The Applicant is allowed a total of 32 square feet of signage. The Applicant is proposing a 4' x 8' sign that meets this requirement. The sign is located in Montgomery County near the MD 109 right-of-way line. The Applicant has agreed to subject the sign to the more stringent standards of Montgomery and Frederick County sign regulations. Therefore, the sign complies with Frederick County's more stringent 20' front setback standard. A response from the Montgomery county reviewer indicated that:

“...Preliminary review of the drawings provided has determined that the freestanding entrance sign proposed at the access road to the Global Mission Church property would comply with the current requirements of the sign regulations, Article 59-F of the Montgomery County Zoning Ordinance.”

Landscaping: Landscaping is required in relation to the proposed improvements or additions that are occurring on site. The Applicant is meeting Zoning Ordinance requirements through a combination of preserving a large portion of the existing mature on-site landscaping and providing additional landscaping. The Applicant has provided street trees, as well as parking lot and parking area buffer landscaping in accordance with the Zoning Ordinance.

The Applicant is preserving 223 specimen trees as well as existing forested areas, steep slopes, and floodplain areas throughout the site. The Applicant is also proposing deciduous trees along the driveway leading to the sanctuary.

Screening: The site is buffered by a 50 foot wide existing forested buffer along I-270 as well as an extremely large existing buffer along the western property boundary. The existing forested buffer along I-270 will be supplemented with evergreen screening in areas with direct view of the proposed sanctuary.

Lighting: The Applicant has achieved a relatively uniform and modestly-lit site (i.e. no “hot-spots”) with 64 pole lights with 25' mount heights. The photometric illumination easily achieves the 0.5 ft.-candle illumination limit for the adjoining residential properties. Further, the 25' pole heights should be relatively unobtrusive (to all view-sheds other than I-270) because of the following:

- 1) The site is relatively-isolated from residential properties;
- 2) Lighting details show down-ward and up-ward glare shielding; and
- 3) The Applicant has proffered two schemes for night lighting:
 - (a) one for night-time events ending at 10:30 pm; and
 - (b) –another with significantly more modest illumination levels for normal security lighting.

With regard to the I-270 corridor, the Applicant has provided forest buffers and landscape evergreen plantings to help screen any ambient lighting.

Conditions

- 1) **Lighting proffers:** The Applicant has proffered two schemes for night lighting:
 - (a) one for night-time events ending at 10:30 pm; and
 - (b) another with significantly more modest illumination levels for normal security lighting.

- 2) **Signage Setback:** The Applicant has agreed to subject the sign to the more stringent standards of Montgomery and Frederick County sign regulations. Therefore, the sign complies with Frederick County's more stringent 20' front setback standard.

Access/Circulation: The parking lots contain standard 9' x 20' parking spaces with 20' drive aisles. The resultant 60'-bay closed-section parking model is supported by Staff as being efficient. There are some 22' and 24' drive aisles to accommodate service court or emergency vehicle access. The private entrance road is 22' closed section. Ordinarily, an open-section access drive would be recommended in an Agricultural setting to facilitate overland storm-water recharge, however, the grades associated with the access drive require closed-section (curbing) to control the velocity of storm-water runoff.

All parking lots have been designed with sufficient through-movement to facilitate vehicular flow. Additionally, all curve radii have been designed to adequately accommodate emergency vehicle access.

Public Transit: This site is not served by public Transit which is typical in an agricultural/rural setting.

Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220: Under the heading of Institutional (in the Parking Space Requirements table) churches are required to provide 1 parking space for each 5 seats. Therefore, the size of the proposed church (800 seats) requires 160 parking spaces, including six which are handicapped accessible. The Applicant has provided 384 parking spaces including 14 handicapped accessible spaces that are located nearest to the various entry points of the church. The Applicant has provided HC sign locations and sign detail on the Site Plan. Additional notes and spot elevations are provided.

The Applicant is proposing a parking ratio of 1:3 for Phase 1A, which includes a sanctuary with a seating capacity of 800, and 384 parking spaces (1:2:1 ratio) for the total build-out of the campus reflected in Phases 1B and 1C. The sanctuary seating capacity will not increase in the subsequent construction phases. The Applicant is providing additional parking in order to ensure any concurrent building usage would be satisfied with on-site parking.

Loading Area: According to §1-19-6.210, the amount of building square footage on this site (118,530 sq. ft.) requires two small and seven large loading spaces. The Applicant has proposed two small and two large loading spaces, located on opposite sides of the building. (The two small spaces are actually a hybrid of the small 9' x 20' dimension and the large 12' x 50' dimension.) This request requires a modification, which the FcPc may grant as per § 1-19-6.210 (D). The Applicant claims that only small van loading is needed (UPS, etc.) during the weekdays and not on Sunday mornings. Staff offers no objection to the reduced number of loading spaces. This request is similar to several other church Site Plan requests.

Conditions

- 1) Loading Space Modification in accordance with 1-19-6.210 to permit two small and two large rather than the required two small and seven large loading spaces.

Private Well and Septic: The site will be served by individual well and septic. The capacity of the septic has been an issue with regard to the uses on this site. The Applicant is proposing a septic system with a 4,999 gallons-per-day (gpd) maximum discharge. Because the proposed discharge will not exceed 5,000 gpd, the Applicant can process this Site Plan request without having to obtain a Water and Sewerage Plan symbol for a multi-use septic system. In order to ensure that the water usage and wastewater discharge does not exceed 4,999 gallons on any one day, the following conditions are being proffered by the Applicant in accordance with Health Department requirements:

- 1) No more than 800 sanctuary seats;
- 2) No more than 320 dining hall seats;
- 3) The kitchen cannot be permitted for commercial use; and
- 4) No day care or school use can be accommodated.

Other Applicable Regulations

Stormwater Management – Chapter §1-15.2: The Combined Stormwater Concept and Stormwater Development plan have been given conditional approval by CDD Engineering Staff.

SWM is being addressed on both the Montgomery and Frederick County parcels. Because there is a proposed bridge that will cross Little Bennett Creek on the Montgomery County side, there were substantive SWM issues to be addressed. Plan reviewers from Montgomery County have indicated that:

“Park and Planning has reviewed the material that (Applicant) sent to us regarding construction of the religious institution in Frederick County. This is to advise you that the road/driveway construction that is needed for the religious institution and located within Montgomery County will not require the property to be platted. Therefore, no preliminary plan submission will be necessary to accommodate the facility. It appears that all requirements for compliance with the Montgomery County Forest Conservation Law have also been met as well as storm-water management. “

APFO – Chapter §1-20:

1. **Schools:** The non-residential nature of this project has no impact on schools.
2. **Water/Sewer.** There are no public water or sewer facilities to be impacted because the site is using existing well and proposed septic.
3. **Roads.** The Applicant submitted an updated traffic impact analysis, dated April 23, 2008 and most recently updated on March 21, 2012 by Street Traffic Studies, Ltd., indicating that the site is generating 46 PM peak-hour trips. The trip count does not meet the requisite 50 peak hour trip threshold required for APFO testing during the peak hour of the adjacent streets. However, the Developer is required to provide a fair share contribution to existing escrow accounts per Section 1-20-12(H).

Access to the site is via MD 109, a State Highway in Montgomery County. An access permit from SHA, based on Sunday peak period volumes forecasted in the traffic study, will be required prior to the issuance of any building permit; this requirement must be added as a note to the site plan

As a condition of the APFO approval of the Project, the Developer is required to pay its proportionate contribution to existing escrow accounts:

- a) No. 3288: MD 355/Fire Tower Road Intersection; the estimated cost of this Improvement is \$401,969. As determined by CDD-Traffic Engineering Staff, the Developer's proportionate share of the Road Improvement is 0.294%. Therefore, the Developer hereby agrees to pay \$1,182 to the escrow account for the Road Improvement.
- b) No. 3847: MD 355/MD 75 Signal; the estimated cost of this Improvement is \$200,000. As determined by CDD-Traffic Engineering Staff, the Developer's proportionate share of the Road Improvement is 0.372%. Therefore, the Developer hereby agrees to pay \$743 to the escrow account for the Road Improvement.

Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$1,925 to the escrow accounts for the Road Improvement.

Forest Resource – Chapter §1-21: A Preliminary Forest Conservation Plan was submitted showing preservation and planting along stream systems and wetland buffers on this lot. Additionally, an existing forest buffer along I-270 has been augmented with evergreen plantings to provide a visual buffer along I-270. All proposed planting areas meet the priority area requirements. A Final Forest Conservation Plan must be completed prior to Site Plan signature.

Historic Preservation – Chapter §1-23: There are no historic structures on this subject site. Additionally, there are no historic structures within a nearby distance upon which this structure would have an infringing affect.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval. Remaining issues will be addressed at Improvement Plans.
Development Review Planning:	Denied. Subject to minor corrections and additions listed in this report.
State Highway Administration (SHA):	Approved
Div. of Utilities and Solid Waste Mngt. (DUSWM):	N/A. Site is on well and septic
Health Dept.	Conditional Approval.
Office of Life Safety	Conditional Approval. Remaining issues may be addressed at Improvement Plans.
DPDR Traffic Engineering	Conditional Approval. Remaining issues may be addressed at Improvement Plans.
Historic Preservation	Approved

FINDINGS:

The Applicant proposes to build construction of a 118,530 sq. ft. Place of Worship with associated parking. The Applicant is requesting approvals for the following applications:

- ☐ Site Plan (AP # 8995)
- ☐ APFO (AP # 8996)
- ☐ Loading Space Modification (AP # 8995)

The Staff finds that:

- 1) Site Plan approval can be given for a three-year period from the date of FcPc approval. APFO approval can be granted for as long as the site plan remains valid, but for no more than three (3) years.
- 2) Compliance with septic discharge issues relies on strict compliance with the following Health Department conditions:
 - a) No more than 800 sanctuary seats;
 - b) No more than 320 dining Hall seats;

- 3) Lighting proffers: The Applicant has proffered two schemes for night lighting:
 - (a) one for night-time events ending at 10:30 pm; and
 - (b) another with significantly more modest illumination levels for normal security lighting.
- 4) Additional, minor drafting additions and corrections are needed to bring this application in full compliance with the various Code requirements.
- 5) Based upon the discussion in the report, the Staff finds that the site plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

RECOMMENDATION:

Should the FcPc choose to approve this Site Plan application (AP # 8995) for the building of a 118,530 sq. ft. church and associated parking fields, the associated requests should also be part of the motion:

- ☐ APFO (AP # 8996)
- ☐ Loading Space Modification (AP # 8995)

Then Staff would recommend adding the following conditions to the approval:

- 1) Site Plan approval can be given a three-year period from the date of FcPc approval.
- 2) The APFO approval can be granted for as long as the site plan remains valid, but for no more than three (3) years.
- 3) Compliance with septic capacity issues relies on strict compliance with the following conditions regarding limitations of use:
 - (a) No more than 800 sanctuary seats;
 - (b) No more than 320 dining Hall seats;
- 4) Lighting proffers: The Applicant has proffered two schemes for night lighting:
 - (a) one for night-time events ending at 10:30 pm; and
 - (b) another, significantly more modest illumination levels for normal security lighting.
- 5) Additional, minor drafting additions and corrections are needed to bring this application in full compliance with the various Code requirements.
- 6) Based upon the discussion in the report, the Staff finds that the site plan application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

PLANNING COMMISSION ACTION
MOTION TO APPROVE AS MODIFIED

I move that the Planning Commission **APPROVE** Site Plan SP 92-37 including APFO approval **with conditions** as listed in the staff report for the proposed Global Mission Church Site Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



**COMMUNITY DEVELOPMENT DIVISION
FREDERICK COUNTY, MARYLAND**
Department of Planning and Development Review
30 North Market Street • Frederick, Maryland 21701
www.co.frederick.md.us

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

COMMISSIONERS

Blaine R. Young
President

C. Paul Smith
Vice President

Billy Shreve

David P. Gray

Kirby Delauter

COUNTY MANAGER

Lori L. Depies, C.P.A.

**COMMUNITY
DEVELOPMENT
DIVISION**

Eric E. Soter
Division Director

**DEPARTMENT OF
PERMITS AND
INSPECTIONS**

Gary W. Hessong
Department Director



**Global Mission Church
Of Greater Washington DC**

Site Plan #SP9237 AP #8996

In General: The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and the Global Mission Church of Greater Washington DC ("Developer"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved the Global Mission Church of Greater Washington DC (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 78.73 +/- acre parcel of land, which is zoned Agricultural (A), and located contiguous to the west side of I-270 and the Montgomery County Line. This APFO approval will be effective for development of a 118,530 +/- sq. ft. place of worship including an 800 seat sanctuary, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on November 14, 2012.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer: The Property has a water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan*.

Road Improvements: According to a traffic study originally submitted by the Developer's traffic consultant, Street Traffic Studies, on April 28, 2008 and most recently updated on March 21, 2012, the Project will generate 46 PM peak trips, which does not meet the requisite 50 peak hour trip threshold required for APFO testing during the peak hour of the adjacent streets. However, the Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H).

As a condition of the APFO approval of the Project, the Developer is required to pay its proportionate contribution to existing escrow accounts:

1. No. 3288: MD 355/Fire Tower Road Intersection; the estimated cost of this improvement is \$401,969. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.294%. Therefore, the Developer hereby agrees to pay \$1,182 to the escrow account for this Road Improvement.
2. No. 3847: MD 355/MD 75 Signal; the estimated cost of this improvement is \$200,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.372%. Therefore, the Developer hereby agrees to pay \$743 to the escrow account for this Road Improvement.

Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$1,925 to the escrow account for this Road Improvement. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on November 14, 2015.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

DEVELOPER: Global Mission Church of Greater Washington



Date: Nov 12, 2012

Name: Man Bae Kim
Title: GMC Technical Director

FREDERICK COUNTY PLANNING COMMISSION:

By: _____
Dwayne E. Robbins, Chair or William G. Hall, Secretary

Date: _____

ATTEST:

By: _____
Gary Hessong, Director, Permits & Inspections

Date: _____

Planner's Initials / Date _____
County Attorney's Office Initials / Date _____
(Approved as to legal form)

Global Mission Church LOI
November 14, 2012
Page 2 of 2